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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

BEAU EZEKIEL BROWN,

Petitioner,

v.

ISIDRO BACA, *et al.*,

Respondents.

Case No. 2:11-cv-00790-KJD-NJK

ORDER

In this habeas corpus action, brought pursuant to 28 U.S.C. § 2254, by Beau Ezekiel Brown, a Nevada prisoner, the Court appointed the Federal Public Defender for the District of Nevada (FPD) as counsel for Brown (ECF Nos. 7, 10), and this action was litigated to its conclusion, on Brown's behalf, by his counsel. On August 29, 2017, the Court denied Brown's amended habeas petition and denied Brown a certificate of appealability, and judgment was entered. See Order entered August 29, 2017 (ECF No. 58); Judgment (ECF No. 59). Brown appealed, and sought a certificate of appealability in the Ninth Circuit Court of Appeals. See Notice of Appeal (ECF No. 60). The court of appeals denied Brown's request for a certificate of appealability on January 31, 2018 (ECF No. 62). On February 22, 2018, the court of appeals granted the FPD's motion to withdraw from their representation of Brown, and granted Brown's *pro se* motion for an extension of time to file a motion for reconsideration (ECF No. 65). According to Brown, he filed a motion for reconsideration in the court of appeals on March 26, 2018, and that

1 motion was denied on April 20, 2018. See Motion to Reopen Case and Motion for
2 Reconsideration (ECF Nos. 66, 67), p. 3. On May 14, 2018, Brown filed, in this Court, a
3 Motion to Reopen Case and Motion for Reconsideration (ECF Nos. 66, 67). The Court
4 denied that motion on May 17, 2018 (ECF No. 68).

5 On June 8, 2018, Brown filed a Motion for Enlargement of Time in Which to File a
6 Motion for Reconsideration (ECF No. 69). The Court understands that motion to request
7 an extension of time to file a motion for reconsideration of the order of May 17, 2018,
8 order (ECF No. 68), under Federal Rule of Civil Procedure 60(b). Such a motion, under
9 Rule 60(b), must be made within a reasonable time. See Fed. R. Civ. P. 60(c). The Court
10 will grant Brown's motion, and extend to July 4, 2018, the time for him to file his motion
11 for reconsideration.

12 As Brown appears *pro se*, and the Court construes his motion liberally, the Court
13 construes Brown's motion for extension of time as, additionally, a motion for extension of
14 time to file a notice of appeal from the May 17, 2018, order, pursuant to Federal Rule of
15 Appellate Procedure 4(a)(5). The Court will grant Brown's motion in that respect as well,
16 extending to July 4, 2018, the time for Brown to file a notice of appeal from the May 17,
17 2018, order. See *also* Fed. R. App. P. 4(a)(4)(A) (time to file notice of appeal runs from
18 entry of order disposing of Rule 60(b) motion for reconsideration).

19 **IT IS THEREFORE ORDERED** that petitioner's Motion for Enlargement of Time
20 (ECF No. 69) is **GRANTED**. The time for petitioner to file a motion for reconsideration of
21 the May 17, 2018, order, as well as the time for petitioner to file a notice of appeal from
22 that order, are extended to **July 4, 2018**.

23
24 DATED THIS 8th day of June, 2018.

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26 
27 KENT J. DAWSON,
28 UNITED STATES DISTRICT JUDGE